

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Date: January 15, 2010  
YALURIS, George et al. : Group Art Unit: 1797  
Serial No. 10/593,499 : Examiner: Leung, Jennifer A.  
Filed: September 20, 2006 : Docket No.: W9644-02  
For: SYSTEM AND PROCESS FOR INJECTING CATALYST AND/OR ADDITIVES  
INTO A FLUIDIZED CATALYTIC CRACKING UNIT

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed December 17, 2009, Applicants elect, with traverse, claims 1-46, 57-67, and 71-85, which are identified in the Restriction Requirement as Group I.

It is respectfully submitted that the Restriction Requirement is in error. The above-referenced patent application was filed under 35 USC §371 as a national stage application to International Patent Application PCT/US/2005/009642, and therefore is subject to unity of invention criteria under the Patent Cooperation Treaty and 37 CFR 1.475. It is respectfully submitted that the subject matter of the other claims pending in the above-referenced application, i.e., claims 47-56 and 68-70, which are identified in the Restriction Requirement as Group II, are in unity with the invention of Group I. The two groups of claims have the unifying feature already identified in Applicants' submission of October 1, 2009.

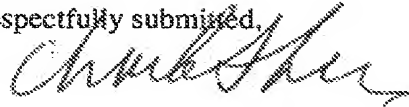
Specifically, it is submitted that the Restriction Requirement fails to take into account 37 CFR §1.475(b), copy attached. Rule 475(b) provides that as long as a national stage application contains claims falling within one of the categories of combinations listed in the rule, the application will be considered to have complied with the unity of invention. It is submitted that the claims of this invention fall within combination (4), i.e., the following:

“...(4) A process and an apparatus or means specifically designed for carrying out the said process; ...”

The claims in Group I recite an apparatus or means and the claims in Group II recite the process in which the apparatus is used, as already acknowledged in the December 17, 2009 Restriction Requirement. It is therefore respectfully submitted that Applicants' claims conform to unity of invention criteria by rule. It is submitted that Rule 475(b) does not condition conformity thereunder with respect to any other rule, much less condition its applicability to an alleged ex parte analysis of patentability as provided in the Restriction Requirement.

Withdrawal of the Restriction Requirement and examination of all pending claims is therefore requested.

Respectfully submitted,



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